

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, June 12, 2017

CASE NUMBER: C15-2017-0024

☐ Y _____ Brooke Bailey
☐ Y _____ William Burkhardt
☐ Y _____ Christopher Covo
☐ Y _____ Eric Goff
☐ Y _____ Melissa Hawthorne
☐ Y _____ Bryan King
☐ Y _____ Don Leighton-Burwell
☐ Y _____ Rahm McDaniel
☐ Y _____ Veronica Rivera
☐ Y _____ James Valadez
☐ Y _____ Michael Von Ohlen
☐ - _____ Kelly Blume (Alternate)
☐ - _____ Martha Gonzalez (Alternate)
☐ - _____ Pim Mayo (Alternate)

OWNER/APPLICANT: Carlos Acevedo

ADDRESS: 11400 HILLTOP ST

VARIANCE REQUESTED: The applicant has requested a Special Exception under Section 25-2-476 (Special Exception) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 17 feet (requested, existing) in order to maintain a carport that has been at this location for at least 10 years in a "SF-1", Family Residence Large Lot zoning district.

BOARD'S DECISION: The public hearing was closed on Board Member Melissa Hawthorne motion to postpone to July 10, 2017, Board Member Brooke Bailey second on an 11-0 vote; **POSTPONED TO JULY 10, 2017. RENOTIFICATION REQUIRED**

25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2017;

- (b) the use is a permitted use or a nonconforming use;
- (c) the structure does not share a lot with more than one other primary residence; and
- (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

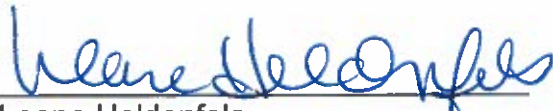
(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

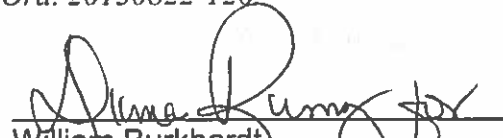
(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126



Leane Heldenfels
Executive Liaison

William Burkhardt
Chairman

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/department/development-services

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. **All comments received will become part of the public record of this case.**

Case Number: C15-2017-0024, 11400 Hilltop St.

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 12th, 2017

JOE L. MOTL
Your Name (please print)

11304 Hunters Lane, Austin 78753
Your address(es) affected by this application

Joe L. Motl 6-6-17
Signature Date

Daytime Telephone: 512-836-0205

Comments: I feel very strongly that this request should be denied. We are in SF1 zoning and the facts are clearly outlined and state 35 ft. setback. Please see enclosed letter and attachments.

Comments must be returned by 10 am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

B01/3

PUBLIC HEARING INFORMATION

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Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 12th, 2017

Germa Jean Mott

Your Name (please print)

11304 Hunters Lane

Your address(es) affected by this application

Germa Jean Mott

Signature

6-6-17

Date

Daytime Telephone: 512-836-0205

Comments: The deed and restrictions says 25 ft. and this should apply to everyone in the subdivision and not just to us. So things are different 5 years later it should not change the original deed or restrictions. We have copies of both.

Comments must be returned by 10 am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

B01/4

Joe and Jean Motl
11304 Hunters Ln.
Austin, Tx 78753

June 5, 2017

Leanne Heldenfels
PO Box 1088
Austin, Texas 78767-1088

Re: Case #C15-2017-0024, 11400 Hilltop St.
Public Hearing: Board of Adjustment, June 12th, 2017

Dear Madam,

Thank you for the Notice of Public Hearing regarding a Special Exception request. Regretfully, I am unable to attend the hearing, as I am having to use a walker when out and about.

I live at 11304 Hunters Lane, one block west of the person requesting a Special Exception for his carport. On 9/21/88, I had a carport installed in my driveway by Texas Backyard Products (see attachment #1), well before our neighborhood was in the city limits of Austin. On 1/10/12, I received a notice that my carport was out of compliance with city code, threatening exorbitant penalties and a fine of up to \$2000.00 a day if I did not bring the carport into compliance (see attachment #2).

I was never offered the opportunity to obtain any kind of variance, so I paid \$133.00 in city fees (see attachment #3) and paid \$300.00 to AQ Exteriors to have the carport shortened (Wells Fargo check #8307 dated 2/8/12). As a result, my car sticks out a few feet from the carport. Since I feel that I was treated unfairly by the city in the first place, being retired and on a fixed income, I question the fairness of allowing the very same violation to go on another dwelling a block away. If the requested variance is granted, I therefore will request a refund of the fees and construction expenses I paid, in good faith, to bring my property up to code.

Respectfully,

Joe Motl

ATTACHMENT #1

TEXAS BACKYARD PRODUCTS

1209 W. ANDERSON LN.
AUSTIN, TEXAS 78757
(512) 451-1858

INVOICE

B01/6

NO. * 1139

DATE 09/21/88

SOLD TO

Joe Motl
11304 Hunters Ln.
Austin, Texas 78753

SHIPPED TO

Same

OUR ORDER NO

YOUR ORDER NO

SALESMAN

TERMS

SHIPPED VIA

Ppd or Coll

3944

Inv. 1139

Carl

Due Upon Completion

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	12 x 16 Patio Cover - 7" Facia w/ built-in Wrap-A-Round Gutter		1298.00
	Less 25%	-	324.00
			974.00
	Tax		77.92
			1051.92
	Less Down Payment	-	487.00
	Balance Due		564.92

paid CR #3186

Less 25% 11 x 16 - 00 plus tax
324.00
974.00 plus tax
487.00 down payment

← 12' →

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications, for the sum of

Payment to be made as follows:

dollars (\$) 974.00 plus tax

Material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from these specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays and not control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully insured by Workmen's Compensation Insurance.

Authorized Signature

Carl H. Sinsabaugh

Note: This proposal may be withdrawn by us if not accepted within

days.

ACCEPTANCE OF PROPOSAL The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified in the proposal as outlined above.

Signature



ATTACHMENT #2

City of Austin

Founded By Congress, Republic of Texas 1839
Code Compliance Department
P.O. Box 1088, Austin, Texas 78767 - 1088

B01/7
POSTED
1-10-2012

January 10, 2012

NOTICE OF VIOLATION
via Certified Mail # 2222

Motl Joe L
11304 Hunters Ln
Austin Tx 78753 2652

RE: 11304 HUNTERS LN 78753

Legally described as LOT 2 BLK N EUBANK ACRES SEC 3
Zoned as SF-1
Parcel Number 0247200202

Dear Motl Joe L:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 512-974-1921 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-1921 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

11304 HUNTERS LANE

City of Austin
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767

Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

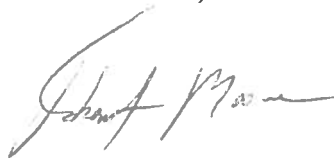
If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

City of Austin
Code Compliance Department Manager
P.O. Box 1088
Austin, Texas 78767

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Moore", is written over a light blue horizontal line.

Robert Moore, Code Enforcement Inspector
Code Compliance Department
Case CV-2011-036326



City of Austin
BUILDING PERMIT

B01/9
ATTACHMENT #3

PERMIT NO: 2012-004011-BP
11304 HUNTERS LN

Type: RESIDENTIAL Status: Active
Issue Date: 01/13/2012 EXPIRY DATE: 07/11/2012

LEGAL DESCRIPTION				SITE APPROVAL		ZONING SF-1			
PROPOSED OCCUPANCY:		WORK PERMITTED: Addition		ISSUED BY: Glenda Wilsford					
addition to expand existing carport of existing 1 story SF res									
TOTAL SQFT New/Addn: 154		VALUATION Tot Val Rem: \$0.00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACE 2
TOTAL BLDG. COVERAGE 2182		% COVERAGE 18.6	TOTAL IMPERVIOUS COVERAGE 2566		% COVERAGE 21.8	# OF BATHROOMS 0		METER SIZE n/a	

Contact

Applicant, Joe Motl
General Contractor, Joe Motl

Phone

(512) 836-0205
(512) 836-0205

Contact

Owner, MOTL JOE L

Phone

() -

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	33.00	1/13/2012	Initial Residential Review Fee	100.00	1/13/2012			
Fees Total:	133.00							

Inspection Requirements

Building Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.

A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

Residential Zoning Review

Date

01/13/2012

Reviewer

Elaine Ramirez

I, the Owner or Authorized By The Owner That The Data Submitted At The Time Of Application Was True And Correct For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True And Correct For This Permit

B01/10

City of Austin

P.O. Box 1088, Austin, Texas 78767

RECEIPT

Receipt 5608345
No.:

Payment 01/13/2012
Date:

Invoice 5619281
No.:

Payer Information

Company/Facility Name:

Payment Made By: Joe Motl

11304 HUNTERS LN AUSTIN TX 78753

Phone No.: (512) 836-0205

Payment Method: Check

Payment Received: \$133.00

Amount Applied: \$133.00

Cash Returned: \$0.00

Comments:

Check #8294

Additional Information

Department Name: Planning and Development Review

Receipt Issued By: Glenda Wilsford

Receipt Details

FAO Codes	Fee Description	Internal Ref. No.	Address	Permit/Case No.	Amount
1000 6800 9770 4053	Building Permit Fee	10704961	11304 HUNTERS LN	2012-004011-BP	\$133.00
1000 6800 9770 4177	Initial Residential Review Fee	10704961	11304 HUNTERS LN	2012-004011-BP	\$133.00
Total					\$133.00



City of Austin BUILDING PERMIT

B01/11

PERMIT NO: 2012-004011-BP
11304 HUNTERS LN

Type: RESIDENTIAL Status: Final
Issue Date: 01/13/2012 EXPIRY DATE: 02/10/2012

LEGAL DESCRIPTION				SITE APPROVAL		ZONING SF-1			
PROPOSED OCCUPANCY:		WORK PERMITTED: Addition			ISSUED BY: Glenda Wilsford				
addition to expand existing carport of existing 1 story SF res									
TOTAL SQFT New/Addn: 154		VALUATION Tot Val Rem: \$00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS 1	UNITS 1	# OF PKG SPACES 2
TOTAL BLDG. COVERAGE 2182		% COVERAGE 18.6	TOTAL IMPERVIOUS COVERAGE 2566		% COVERAGE 21.8	# OF BATHROOMS 0		METER SIZE n/a	

Type	Date	Status	Comments	Inspector
101 Building Layout	1/23/2012	Pass		Mark Hill
102 Foundation		Open		Mark Hill
103 Framing		Open		Mark Hill
104 Insulation		Open		Mark Hill
105 Wallboard		Open		Mark Hill
109 TCO Occupancy		Open		Mark Hill
112 Final Building	2/10/2012	Pass		Mark Hill
114 Continuance of work		Open		Mark Hill
Deficiencies		Open		Mark Hill



B01/12
Special Exception

CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # <u>C15-2017-0024</u>	ROW # <u>11721218</u>	Tax # <u>0247200301</u>
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Section 1: Applicant Statement

Street Address: 11400 Hilltop St Austin, TX 78753

Subdivision Legal Description:

Eubank Acres

Lot(s): 6 Block(s): M

Outlot: _____ Division: Eubank Acres Sec 3

Zoning District: SF-1

I/We Carlos Acevedo on behalf of myself/ourselves as
authorized agent for 11400 Hilltop Street Austin, TX 78753 affirm that on
Month April, Day 17, Year 2017, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☒ Maintain ☐ Other: _____

Type of Structure: Carport

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

The setback of the carport which is at 17ft instead of the 25ft required from the street. The
Carport has been part of the property for more than the 10 years required for requesting a
special exception and there are carports similar to the one that is part of this property.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Special Exception

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

SE

b) The hardship is not general to the area in which the property is located because:

SE

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

SE

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

NA

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Carlos Acevedo Digitally signed by Carlos Acevedo
Date: 2017.04.17 09:42:17 -05'00' Date: 04/17/2017

Applicant Name (typed or printed): Carlos Acevedo

Applicant Mailing Address: 5832 Tributary Ridge Dr

City: Austin State: TX Zip: 78759

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Carlos Acevedo Digitally signed by Carlos Acevedo
Date: 2017.04.17 09:42:44 -05'00' Date: 04/17/2017

Owner Name (typed or printed): Carlos Acevedo

Owner Mailing Address: 5832 Tributary Ridge Dr

City: Austin State: TX Zip: 78759

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).



SPECIAL EXCEPTION INSPECTION



Address:	11400 HILLTOP STREET, AUSTIN, Texas, 78753, USA
Permit Number:	2017 044341 RM 00 PR Plan Review
Property Owner Requesting Special Exception:	Carlos Acevedo

<u>Special Exception Requested:</u> <p>To allow the existing car port to remain in the front yard setback</p>
Date Structure was originally constructed: Arial Show that the structure existed in 2006

Date of Inspection:	4/27/2017
Building Official or designated representative	Richard Anderson
X	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property. Structure appears to be sound and securely installed. Structure is not deteriorated and is good condition.
	<p>The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection:</p> <ol style="list-style-type: none"> 1.

ORDERED BY:



Austin Title

Spicewood Springs

3708 Spicewood Springs Rd. • Suite 100 • Austin, Texas 78759
 p: 512 346 4020 • f: 512 651 9246
 www.austintitle.com



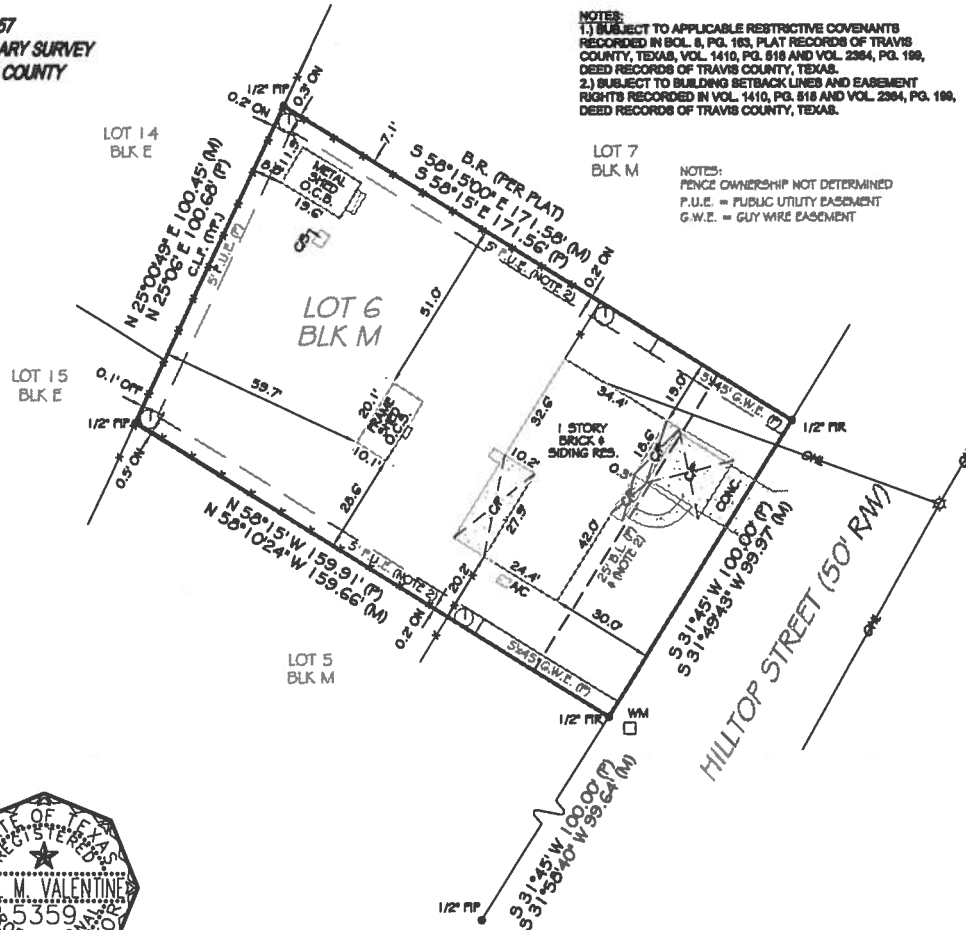
PROPERTY ADDRESS: 11400 HILLTOP STREET AUSTIN, TEXAS 78753

SURVEY NUMBER: 1606.4057

FIELD WORK DATE: 6/30/2016

REVISION DATE(S): (REV 0 7/2/2016)

1606.4057
 BOUNDARY SURVEY
 TRAVIS COUNTY



NOTES:
 1.) SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS RECORDED IN VOL. 8, PG. 163, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, VOL. 1410, PG. 818 AND VOL. 2384, PG. 198, DEED RECORDS OF TRAVIS COUNTY, TEXAS.
 2.) SUBJECT TO BUILDING SETBACK LINES AND EASEMENT RIGHTS RECORDED IN VOL. 1410, PG. 818 AND VOL. 2384, PG. 198, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

NOTES:
 FENCE OWNERSHIP NOT DETERMINED
 P.U.E. = PUBLIC UTILITY EASEMENT
 G.W.E. = GUY WIRE EASEMENT



Paul M. Valentine

I HEREBY CERTIFY THAT: THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 30th DAY OF JUNE 2016; ALL EASEMENTS AND RIGHTS-OF-WAY SHOWN ON THE PLAT AND SET FORTH WITHIN THE TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, GP NO. AUT-13-673-AUT16005788JW, EFFECTIVE JUNE 13, 2016, ARE SHOWN OR NOTED HEREON; THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON; THE PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY PER PLAT.



GRAPHIC SCALE (in Feet)
 1 inch = 40' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.
 Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF AUSTIN, COMMUNITY NUMBER 480624, DATED 08/18/14.

POINTS OF INTEREST:

1. CHAIN LINK FENCE OVER 5' P.U.E.

CLIENT NUMBER: AUT16005788

DATE: 7/2/2016

BUYER: Carlos Acevedo and Michelle Lai

SELLER:

CERTIFIED TO: CARLOS ACEVEDO AND MICHELLE LAI; AUSTIN TITLE;
 FIDELITY NATIONAL TITLE INSURANCE COMPANY

This is page 1 of 2 and is not valid without all pages.

POWERED BY:

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EXACTA
 TEXAS SURVEYORS, INC.

184 101 31731
 816 282 955 5011
 816 265 775 1916
 1 800 744 7862

7416 Carroll Creek Lake View, TX 78757

2006 Series

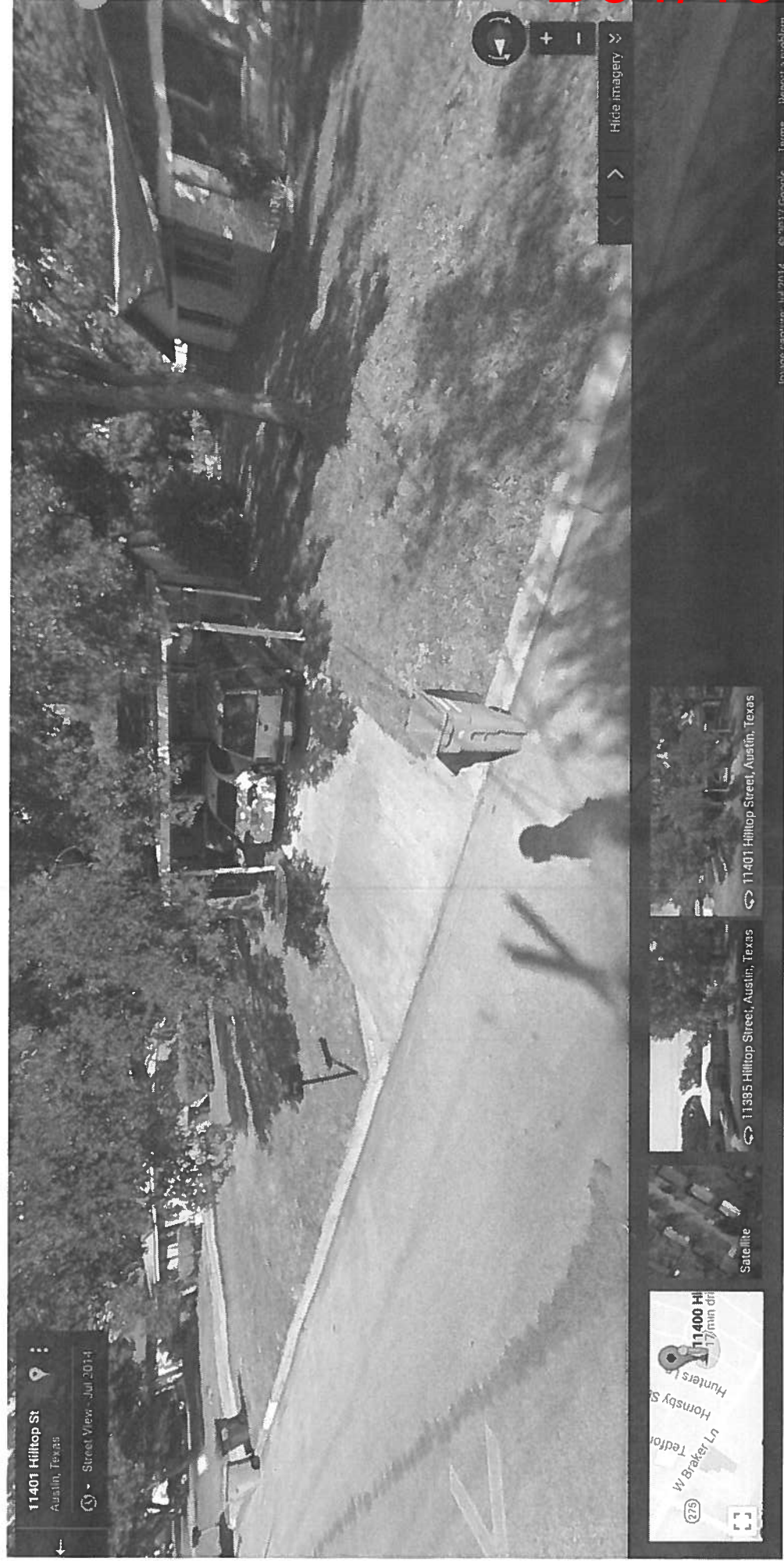
11400 Hilltop

B01/18



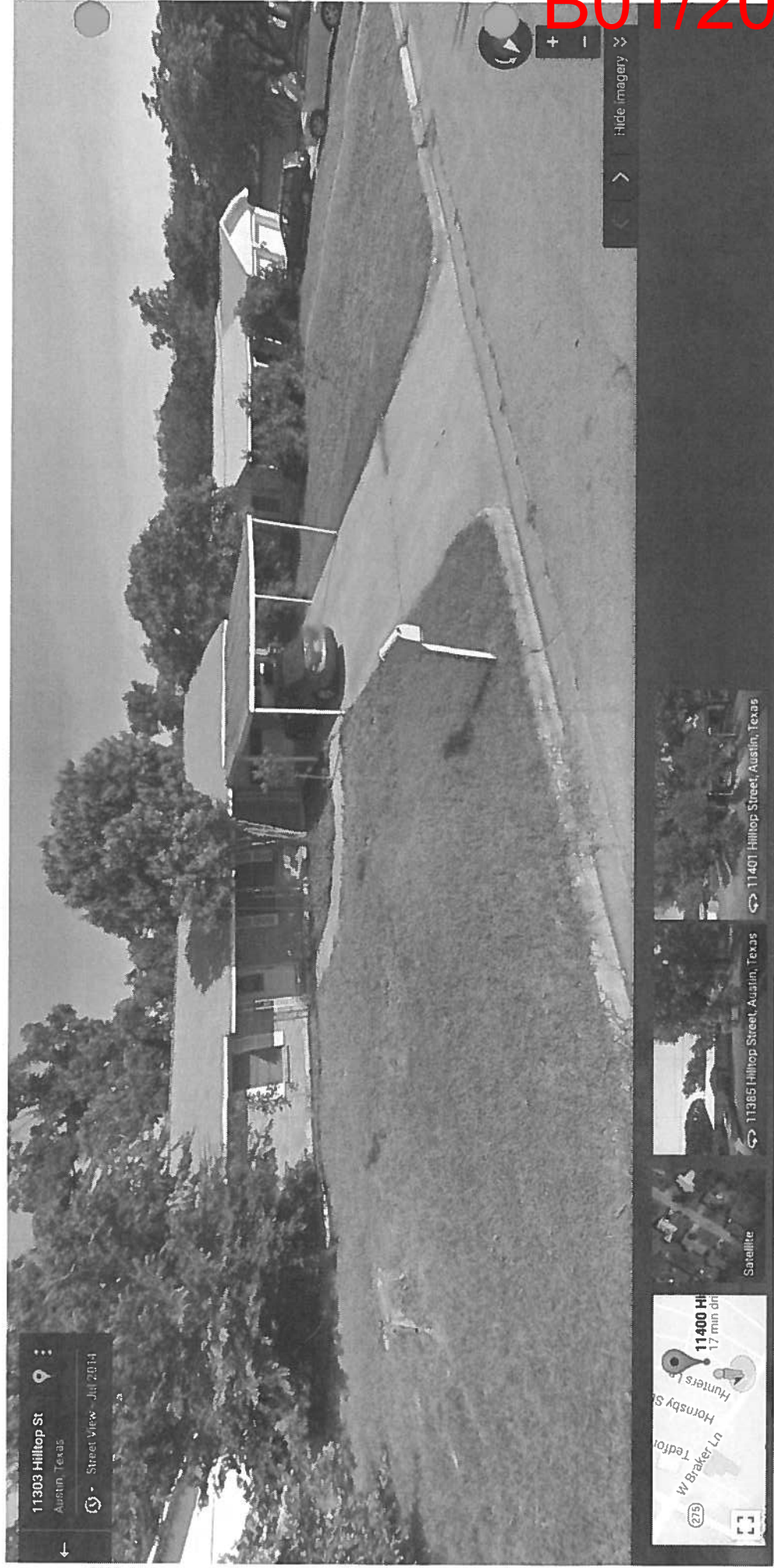
Carport with a setback encroachment

11400 Hilltop Street

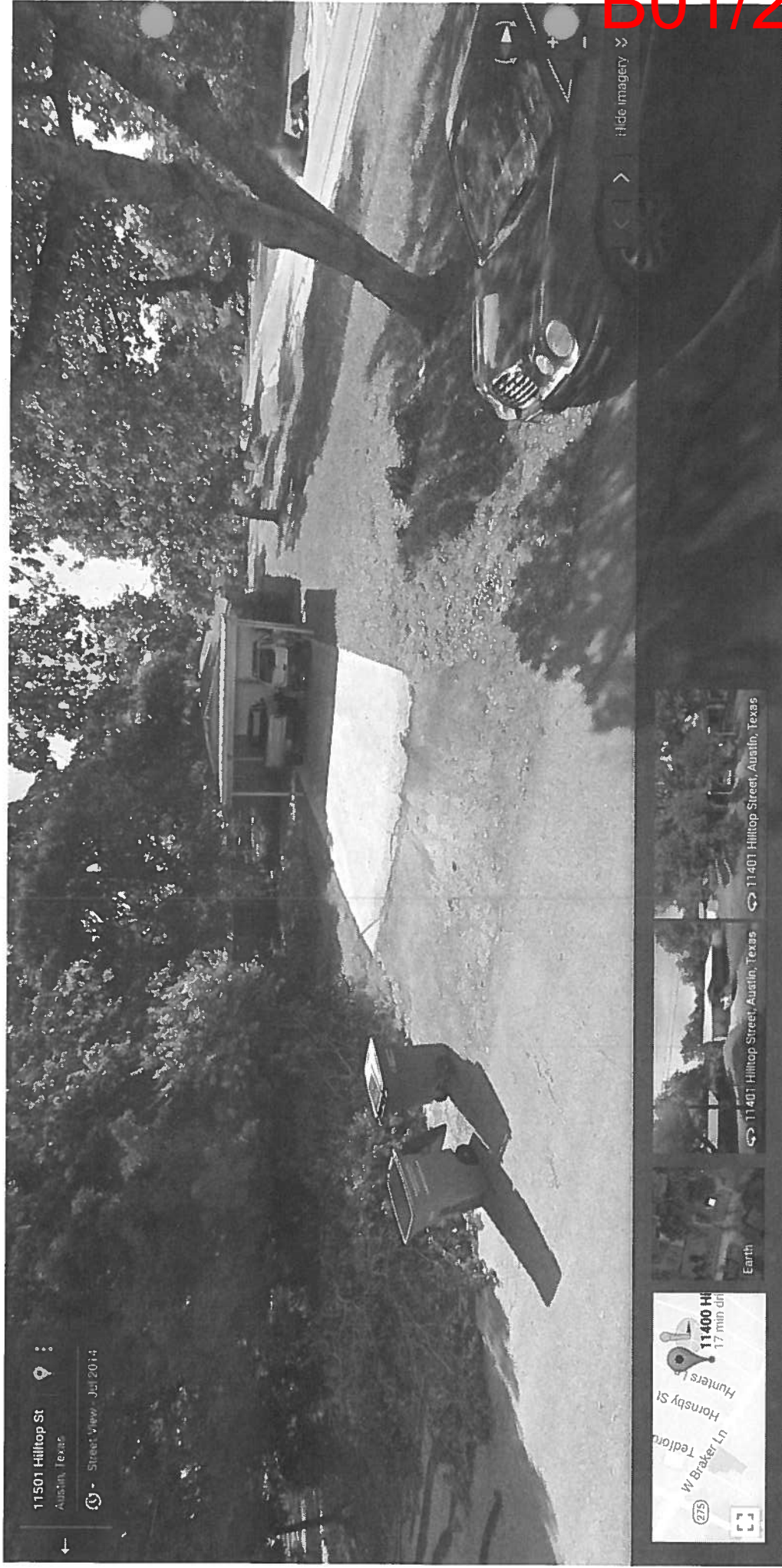


B01/19

11303 Hilltop Street



11500 Hilltop Street



B01/21

11547 Hunters Lane



B01/22

11404 Hunter Ln



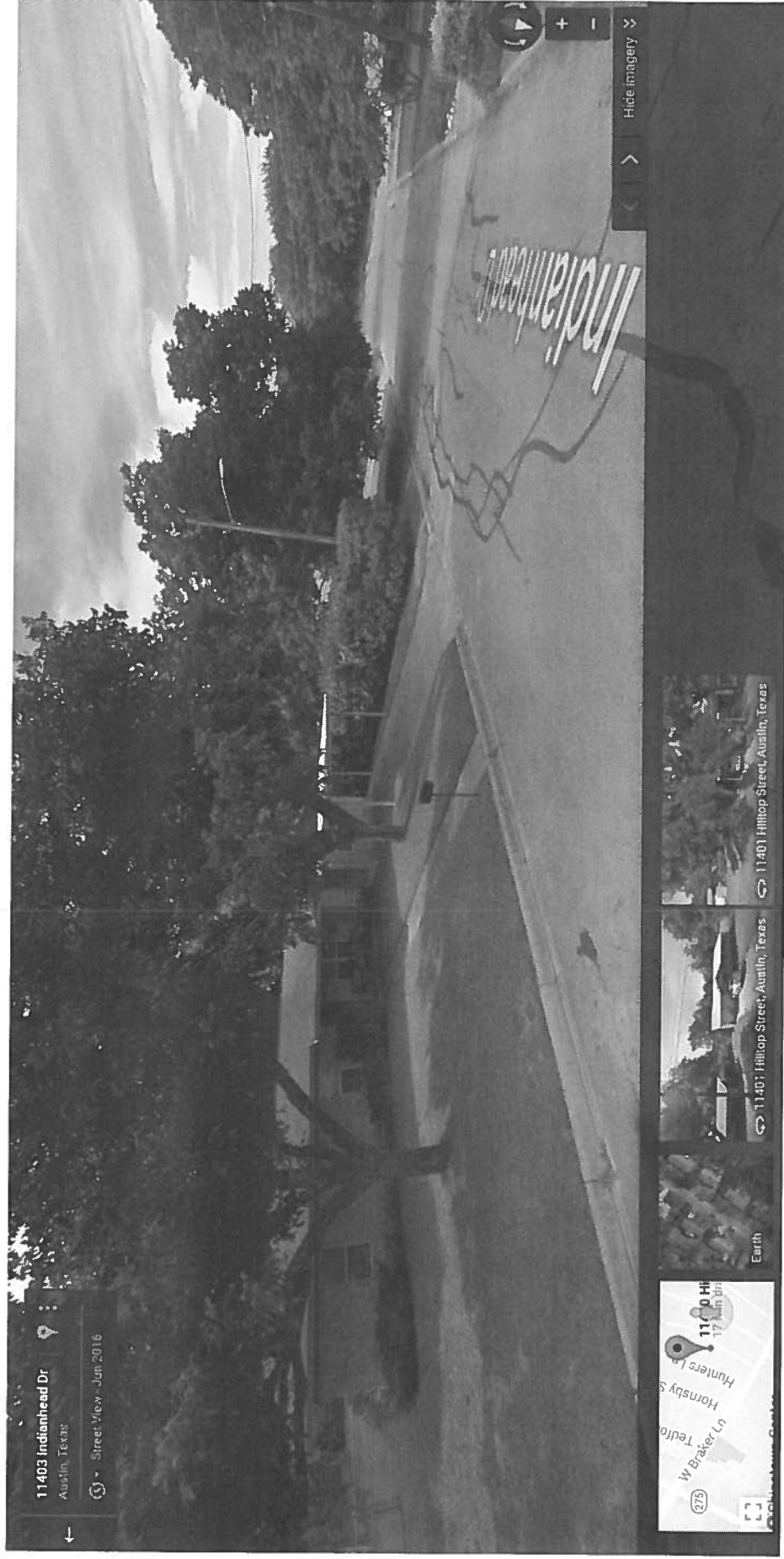
B01/23

11304 Hunters Lane



B01/24

11403 Indianhead



11508 Indianhead



PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;

- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/department/development-services

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Case Number: C15-2017-0024, 11400 Hilltop St.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 12th, 2017

SAM L. ALLEN

Your Name (please print)

☒ I am in favor
☐ I object

11403 TRUD/ANHEADLE AUSTIN TX 78753

Your address(es) affected by this application

Sam L. Allen

Signature

Date

6-2-2017

Daytime Telephone: 512-835-7127

Comments: NO COMMENT

will NOT ATTEND MEETING.

Comments must be returned by 10 am the day of the hearing to be seen by the Board at this hearing. They may be sent via:

Mail: City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 12th, 2017

JOHN A. FIELD

Your Name (please print)

11301 HILLTOP STREET

Your address(es) affected by this application

Leane Heldenfels

Signature

Daytime Telephone: 512-836 6071

Date

6-3-17

☒ I am in favor
☐ I object

Comments:

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wednesday prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

B01/28

PUBLIC HEARING INFORMATION

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Case Number: C15-2017-0024, 11400 Hilltop St.

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 12th, 2017

JAMES L. HETCHWORTH
Your Name (please print)

11305 Hilltop St. Austin, TX. 78753

Your address(es) affected by this application

James L. Hetchworth

Signature

Date

Daytime Telephone: **512 836-9511**

Comments: *I am against the variance*

because many long term residents

have spent a lot of money to make

required connections to their property

even if those items had been there

since before annexation a Rulea should

apply equally to everyone

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Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

B01/29

9 June 2017

Board of Adjustment
c/o Leane Heldenfels
leane.heldenfels@austintexas.gov

To the Honorable Commissioners of the Board of Adjustment of the City of Austin

Case Number: C15-2017-0024 (11400 Hilltop St., Austin, Texas 78753)

Summary: The Board of Directors of the Walnut Creek Neighborhood Association has voted to oppose the Request for a Special Exception in Case Number C15-2017-0024. 11400 Hilltop St. resides within the boundaries of the Walnut Creek Neighborhood Association

1.
The boundaries of the Walnut Creek Neighborhood Association (WCNA) are West Braker on the south x Yager on the north x N. Lamar Blvd. on the west x IH35 service road on the south. The WCNA is registered in the Community Registry of the City of Austin under Planning ID 85. This is a longstanding organization with community support (approximately 140 dues-paying members). Our general meetings and monthly meetings have been attended by CM Pool and by District 7 staff members.

2.
At its regular monthly meeting (1st Wednesday of each month, Santorini Café, 11800 North Lamar, 6:30 to 8:00 pm, no meeting will be held on 5 July 2017) on Wednesday, 7 June 2017, the Board of Directors of the WCNA voted to approve a motion to oppose the Request for a Special Exception in Case Number C15-2017-0024. There are 9 members on the Board, and a quorum is 5 according to the WCNA bylaws. 7 members were in attendance, and the vote was 6-0 to approve the motion to oppose, with 1 abstention. A physical record of the attending Board members exists.

3.
The Board was asked to take a position by individuals living within the boundaries of the Association. These individuals resided both in close proximity to 11400 Hilltop St. and at a distance from this property. After gathering public input, the Board approved the motion to oppose.

4.
The basis for the opposition to the Request for a Special Exception is as follows.
(a) Granting this Special Exception will alter the character of the area (§25-2-476, B(3)(d)(i)). The setback along, inter alia, Hilltop and Hunters Lane has been stringently observed over the years, giving the neighborhood the orderly atmosphere that the neighborhood desires. A variance should have been sought when the subject structure was built, and it seems likely that such a request would

not have been successful. The continued presence of the structure will alter the character of the area because it has already demonstrably done so.

- (b) Granting this Special Exception grants a special privilege that is inconsistent with other properties in the area (§25-2-476, B(3)(d)(iii)). There are two aspects to this.
 - (i) As noted in 4(a), the setback has been observed in this area, and other similarly situated and nearby properties have not been granted the special privilege of intruding into the setback.
 - (ii) The Amnesty is itself a special privilege that was denied to Mr. Motl at 11304 Hunters Lane. Notwithstanding the recent nature of the Amnesty, a failure to enforce the setback in the present case, while enforcing the setback against Mr. Motl, seems to constitute the grant of a special privilege that is inconsistent with other properties.

5.

The WCNA does not reflexively oppose property owner petitions for upzonings or variances. For example, the WCNA explicitly and affirmatively supported the request for a variance in Case Number C15-2014-0069 (this brought approximately 8 AT&T service vehicles into the neighborhood) and supported the GR-to-CS upzoning in Case Number C14-2014-0114 (Sheahan Center, 11712 N. Lamar). Other examples are available.

Thus, the Board of Directors of the Walnut Creek Neighborhood Association respectfully requests that the Request for a Special Exception in Case Number C15-2017-0024 not succeed.

Best regards,



Robert L. Meadows
President, 2017-2018, Walnut Creek Neighborhood Association
512 633 1459


WCNA, PO Box 82746, Austin, Texas 78708-2746

sent to Leane Heldenfels as a pdf file on Friday, 9 June 2017

INFO PRESENTED
AT MEETING ON
JUNE 12, 2017 OR
INFO MISSED
DEADLINE ON
MONDAY

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Case Number: C15-2017-0024, 11400 Hilltop St.
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, June 12th, 2017

Janet Bernard

Your Name (please print)

11306 Hilltop St.

Your address(es) affected by this application

Janet Bernard

Signature

Daytime Telephone 512-656-0295

Date

6-7-17

Comments:

I feel that granting this variance would be granting a special privilege that others in the neighborhood do not have. Also, it alters the character of this area by violating the setbacks that all neighbors must comply with. Why have rules if we're not going to follow them??

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→ Leane Heldenfels
P. O. Box 1088

Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

☒ I am in favor
☐ I object